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7 IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
8

9 United States of America

Cr.S. 99-433 WBS GGH

10 Plaintiff/Respondent,

STIPULATION AND
11 ORDER

v.

12 Son Van Nguyen,

13 Defendant/Movant.
14

15
16 Movant Son Van Nguyen, by and through counsel Krista Hart, and the
United States of America (government), by and through its counsel Assistant US
17 Attorney William Wong, hereby stipulate and agree that the previous briefing
18 schedule concerning Mr. Nguyen's motion pursuant to 28 U.S.C. §2255 be
19 modified. The parties agree Mr. Nguyen's amended 2255 motion is due on June
20 27, 2011, and the government's answer is due 30 days later.
21

22 In 2003, Mr. Nguyen was convicted of Hobbs Act robbery, use of a firearm
during a crime, and murder. The court sentenced Mr. Nguyen to life in prison plus
23 60 months. Mr. Nguyen is in the custody of the Bureau of Prisons at USP Atwater.
24

25 In April of 2010, Mr. Nguyen filed a motion pursuant to 28 U.S.C. §2255.
On June 1, 2010, the Court ordered the government to file an answer within 30
26 days. (Doc 1435) On August 2, 2010, codefendant Thy Chann submitted a letter to
27

1 this Court stating, among other things, that Mr. Nguyen was not guilty. (Doc
2 1500) The Court appointed counsel to investigate and supplement the motion if
3 necessary. Any supplemental motion is now due on June 7, 2011.

4 Counsel for Mr. Nguyen has made progress toward preparing the
5 supplemental motion, but needs a few more days. Counsel for the government,
6 AUSA Wong, will be out of the office for two weeks, returning on June 27, 2011.
7 Pursuant to the Court's previous order, AUSA Wong will have 30 days to respond
8 to the motion, he would prefer the motion be filed upon his return to maximize his
9 time to respond.

10 Therefore, the parties stipulate and agree Mr. Nguyen's supplemental
11 motion pursuant to 28 U.S.C. §2255, be filed on June 27, 2011.

12 DATED: June 8, 2011

13 */s/ Krista Hart*
14 Attorney for Movant
Son Van Nguyen

16 DATED: June 8, 2011

17 Benjamin Wagner
United States Attorney

18 */s/ William Wong*
Assistant US Attorney

20 **ORDER**

21 The parties's request is granted. Movant Son Van Nguyen's supplemental
22 motion is due on June 27, 2011. The government's answer is due 30 days later.

23 DATED: June 8, 2011

24 /s/ Gregory G. Hollows

25 _____
Gregory G. Hollows
United States Magistrate Judge

26 nguy0433.stp